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10/690,189	10/21/2003	William G. Bennett	50T5387.01	3667

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EXAMINER

PAUL, DISLER

ART UNIT	PAPER NUMBER
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2615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/690,189	BENNETT, WILLIAM G.	
	Examiner	Art Unit	
	Disler Paul	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 12, the method according to claim 11, further comprising storing a received adjustable setting in a table in association with the selected source or channel for which no adjustable setting had been entered when selected by the user. Is ambiguous.

For prior art rejection, the examiner consider the claim 12 to read as follow:, received an adjustable setting in a table in association with the selected source or channel for which no adjustable setting had been subsequently entered when selected by the user.

Claim Objections

1. Claim 18 objected to because of the following informalities: the dependent claim 18 should depend on an alternate the claims as either 16 or 17. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 1-7,24,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson ("US 2003/0091204 A1") and Kim ("US 6,009,181").

Re claim 1, Gibson disclose a method for processing audio from one or more sources ("fig.1-2") comprising : providing an adjustable audio setting for each of the one or more sources that can be set by a user ("fig.1/(14a-14n);fig.17 ; page 3[0033] line 4-7:
individual/selected characteristic of signals can be adjusted by user"); While Gibson disclose of the above teaching, He fail to disclose of the controlling an audio signal of a selected source in accordance with an established adjustable setting set by the user before sending the selected source to one or more speakers.

But, Kim disclose of a system in which the controlling an audio signal of a selected source in accordance with an established adjustable setting set by the user before sending the selected source to one or more speakers ("fig.9, col.4 line 53-67; col.5 line 29-32/user control volume predetermine") for the purpose of preventing howling. Thus, taking the combined teaching of Gibson and Kim as a whole, it would have been obvious for one of the ordinary skill in the art to modify Gibson by incorporating the controlling an audio signal of a selected source in accordance with an established adjustable setting set by the user before sending the selected source to one or more speakers for the purpose of preventing howling as taught by Kim.

Re claim 2, the method according to claim 1, wherein the adjustable audio setting includes a gain offset ("Gibson, col.3 line 7").

Re claim 3, the method according to claim 1, wherein the adjustable audio setting includes a balance setting ("Gibson, page 6 [0073] line 17-19/volume balance can be obtain by equalization").

Re claim 4, the method according to claim 1, wherein the adjustable audio setting includes a tonal setting ("page 5 [0056]/audio effect in which audio frequency or tone may be manipulated").

Re claim 5, the method according to claim 1, further teach of the providing comprises providing an adjustable setting for each channel of a television received signal ("fig.1/14a---14n): individual setting for each source and page 1[0008]; both image and audio signals may be control by user see fig.17 and further page 7[0085] line 9-11").

Re claim 6, the method according to claim 1, wherein the providing further comprises providing an adjustable setting for each type of audio source ("fig.1/14a---14n): individual setting for each source").

Re claim 7, the method according to claim 6, wherein each type of audio source includes one or more of the following: Dolby, Dolby 5.1,

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Dolby 6.1, PCM, and analog ("page 1[003] line 6/source may be in analog").

Re claim 24, the apparatus according to claim 14, However, Gibson fail to disclose wherein the audio processor controls a response of audio associated with the selected source or channel for which no audio adjustment had been entered when selected by the user in accordance with the received audio adjustment subsequently entered by the user.

But, Kim disclose of a system in which the processor controls a response of audio associated with the selected source or channel for which no audio adjustment had been entered when selected by the user in accordance with the received audio adjustment subsequently entered by the user ("fig.9, col.4 line 53-67; col.5 line 29-32/user control volume predetermine") for the purpose of preventing howling. Thus, taking the combined teaching of Gibson and Kim as a whole, it would have been obvious for one of the ordinary skill in the art to modify Gibson by incorporating the processor controls a response of audio associated with the selected source or channel for which no audio adjustment had been entered when selected by the user in accordance with the received audio adjustment subsequently entered by the user for the purpose of preventing howling as taught by Kim.

Re claim 25, has been analyzed and rejected with respect to claim 1.

3. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson ("US 2003/0091204 A1") and Kim ("US 6,009,181") and further in view of Heyl ("US 2002/0057809 A1").

Re claim 8, the method according to claim 1, However, the combined teaching of Gibson and Kim as a whole, fail to teach of the limitation of the adjustable setting includes a gain offset that can be selected in predetermined steps. But, Heyl disclose of a system in which the adjustable setting includes a gain offset that can be selected in predetermined steps ("fig.2-4;page 1[0007]") for the purpose of enabling the simultaneous processing of multiple audio and video input signals. Thus, taking the combine teaching of Gibson and Kim and now the added Heyl as a whole, it would have been obvious for one of the ordinary skill in the art to modify Gibson and Kim as a whole, by incorporating the adjustable setting includes a gain offset that can be selected in predetermined steps for the purpose of enabling the simultaneous processing of multiple audio and video input signals as taught by Heyl.

Re claim 9, the method according to claim 1, However, the combined teaching of Gibson and Kim as a whole, fail to disclose of the adjustable setting includes a gain offset that ranges from -4 db to +4 db in 2 db increments. However, Official Notice is taken that the limitation of adjustably setting includes a gain offset that

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ranges from -4 db to +4 db in 2 db increments is the inventor's preference, thus it would have been obvious for one of ordinary skill in the art to adjust the setting from -4db to +4 db in 2 db increment for purpose of enabling the simultaneous processing of multiple audio and video input signals.

Re claim 10, the method according to claim 1, has been analyzed and rejected with respect to claim 9.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Gibson ("US 2003/0091204").

Re claim 14, Gibson disclose of the apparatus for processing audio from one or more sources comprising: a user interface via which a user can select an adjustable setting for an audio signal from each

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of the one or more sources; and an audio processor receiving an audio signal from a selected one of the one or more sources

("fig.1/processor/controller (14a--14n) selected channel may be sent to processor (15) to receive select audio info & page 1[0003] line 4-9; page 3[0043] line 7-10/out of all the channels with different audio, each channel may be selected for choosing specific audio")");

and adjusting a response of the audio signal from the selected one of the one or more sources in accordance with the user selected adjustable setting and sending the adjusted audio signal to be output over one or more speakers ("fig.21 / processed audio source adjusted with (14a-14n) may be sent to speakers (20) via output (11n)").

6. Claims 11-13,22-23,26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson ("US 2003/0091204 A1") and Kim ("US 6,009,181") and further in view of Nishigaki et al.("2003/0053176")

Re claim 11, the method according to claim 1, However, the combined teaching of Gibson and Kim as a whole, fail to teach of the further limitation comprising querying the user upon the user selecting a source or a channel of a source for which no adjustable setting has been entered as to whether the user wishes to enter an adjustable setting for the selected source or channel. But, Nishigaki disclose a network system in which comprising the querying the user

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upon the user selecting a source or a channel of a source for which no adjustable setting has been entered as to whether the user wishes to enter an adjustable setting for the selected source or channel ("fig.10-12/selected channel is updated") for the purpose of effectively utilize communication bandwidth. Thus, taking the combined teaching of Gibson and Kim and now Nishigaki as a whole, it would have been obvious for one of the ordinary skill in the art to modify Gibson and Kim as a whole, by incorporating the querying the user upon the user selecting a source or a channel of a source for which no adjustable setting has been entered as to whether the user wishes to enter an adjustable setting for the selected source or channel for the purpose of effectively utilize communication bandwidth as taught by Nishigaski.

Re claim 12, the method according to claim 11, further comprising storing a received adjustable setting in a table in association with the selected source or channel for which no adjustable setting had been entered when selected by the user but subsequently entered by the user ("Nishigashi, fig.5, 8-9; page 5[0073]").

Re claim 13, the combined teaching of Gibson and Kim and now Nishigaki as a whole, teach the method according to claim 12, further comprising controlling an audio response of the audio associated with the selected source or channel for which adjustable setting had been entered when selected by the user in accordance with the received

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adjustable setting subsequently entered by the user ("kim, fig. 9/where specifically kim disclose of controlling audio").

Re claim 22-23, has been analyzed and rejected with respect to claims 11-12.

Re claim 26, the computer readable media according to claim 26, However, the combined teaching of Gibson and Kim as a whole, fail to teach of the programming instructions further cause the processor to: query the user upon the user selecting a source or a channel of a source for which no audio adjustment has been entered as to whether the user wishes to enter a an audio adjustment for the selected source or channel. But, Nishigaki disclose a network system in which comprising the programming instructions further cause the processor to: querying the user upon the user selecting a source or a channel of a source for which no adjustable setting has been entered as to whether the user wishes to enter an adjustable setting for the selected source or channel ("fig.10-12/selected channel is updated at") for the purpose of effectively utilize communication bandwidth. Thus, taking the combined teaching of Gibson and now Nishigaki as a whole, it would have been obvious for one of the ordinary skill in the art to modify Gibson, by incorporating the programming instructions further cause the processor to: querying the user upon the user selecting a source or a channel of a source for which no adjustable

setting has been entered as to whether the user wishes to enter an adjustable setting for the selected source or channel for the purpose of effectively utilize communication bandwidth as taught by Nishigaski.

The combined teaching of Gibson and now Nishigaki as a whole, teach of the storing a received gain offset in a table in association with the selected source or channel for which no audio adjustment had been entered when selected by the user ("Nishigashi, fig. 5, 8-9; page 5[0073]"); while the combined teaching of Gibson and Nishigaki as a whole teach of the above with the audio adjustment subsequently entered by the user upon query, However, they fail to teach of the control an audio response of the audio associated with the selected source or channel for which no audio adjustment had been entered when selected by the user in accordance with the received audio adjustment subsequently entered by the user. However, Kim disclose of a system in which the controlling an audio signal of a selected source in accordance with an established adjustable setting set by the user ("fig. 9, col. 4 line 53-67; col. 5 line 29-32/user control volume predetermine") for the purpose of preventing howling. Thus, taking the combined teaching of Gibson and Nishigaki and now Kim as a whole, it would have been obvious for one skill in the art to modify Gibson and Nishigaki as a whole, by incorporating the same technique of controlling an audio signal of a selected source in accordance with an

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established adjustable setting set by the user for the purpose of preventing howling as taught by Kim.

7. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson ("US 2003/0091204 A1") and further in view of Heyl ("US 2002/0057809 A1").

Re claim 16, the apparatus according to claim 14, wherein the user interface comprises a graphical user interface via which a user can select one of a gain offsets, which are then used by the audio processor to adjust the gain("page 3[0033] line 4-7; page 4[0049] line 10-11/adjustment of gain by holographic controller").

While, Gibson disclose of the above limitation, he fails to disclose of the gain offset to be of a predetermined number. But, Heyl disclose of a system in which the adjustable setting includes a gain offset that can be selected in predetermined steps ("fig.2-4;page 1[0007]") for the purpose of enabling the simultaneous processing of multiple audio and video input signals. Thus, taking the combine teaching of Gibson and now the added Heyl as a whole, it would have been obvious for one of the ordinary skill in the art to modify Gibson and Kim as a whole, by incorporating the adjustable setting includes a gain offset that can be selected in predetermined steps for the

purpose of enabling the simultaneous processing of multiple audio and video input signals as taught by Heyl.

Re claim 17, has been analyzed and rejected with respect to claim 16 above.

Re claim 18, the apparatus according to claim 17, wherein the predetermined number of audio adjustments includes a balance setting in predetermined steps ("Gibson, page 6 [0073] line 18-19").

Re claim 19, the apparatus according to claim 18, wherein the predetermined number of audio adjustments includes a tonal setting in predetermined steps ("Gibson, page 6 [0073] line 17-19/volume balance can be obtain by equalization").

Re claim 20, the apparatus according to claim 14, wherein the user interface provides the user the opportunity to select one of a number of audio adjustments for each of the one or more sources ("page 1[0003] line 4-9; page 3[0043] line 7-10/out of all the channels with").

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different audio, each channel may be selected for choosing specific audio"), which is then used by the audio processor to adjust an audio response of the audio signal when said each of the one or more sources is selected by the user ("selected is sent to processing (15)"). While, Gibson disclose of the above, he fail to disclose of the predetermined number of audio adjustment, However, Heyl disclose of a system in which the adjustable setting of audio that can be selected in predetermined steps ("fig.2-4;page 1[0007]/gain adjustment in predetermined number") for the purpose of enabling the simultaneous processing of multiple audio and video input signals. Thus, taking the combine teaching of Gibson and now the added Heyl as a whole, it would have been obvious for one of the ordinary skill in the art to modify Gibson and Kim as a whole, by incorporating the adjustable setting of audio that can be selected in predetermined steps for the purpose of enabling the simultaneous processing of multiple audio and video input signals as taught by Heyl.

Re claim 21, also have been analyzed and rejected with respect to claim 20.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson ("US 2003/0091204 A1") and further in view of Nishigaki et al.("2003/0053176")

Re claim 15, the apparatus according to claim 14, But Gibson fail to disclose of the further comprising a storage unit storing a table, each value for which is received from the user interface and is associated with a source or a channel within a source. But, Nishigaki disclose of a system in which further comprising a storage unit storing a table, each value for which is received from the user interface and is associated with a source or a channel within a source ("Nishigashi, fig. 5, 8-9; page 5 [0073]") for the purpose of effectively utilize communication bandwidth, thus taking the combine teaching of Gibson and now Nishigaki as a whole, it would have been obvious for one of the ordinary skill in the art to modify Gibson by incorporating the further comprising a storage unit storing a table, each value for which is received from the user interface and is associated with a source or a channel within a source for the purpose of effectively utilize communication bandwidth as taught by Nishigaki.

The combined teaching of Gibson and Nishigaki as a whole, further teach of said audio processor retrieves one or more particular values from the table when a particular source or particular channel within a source is selected by the user; and said one or more particular values are associated with said particular source or particular channel

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within a source ("Gibson; fig.1/(15)-selected channel may be sent to process (15)/with values corresponding to particular channels").

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

The inventor Metcalf ("7,085,387") also disclose of the individually user control each of a plurality of signals so as to modify before being processed to one or multiple speakers.

The inventors: Kanevsky et al. ("2003/0002688 A1) and Himeno et al. ("5,323,275") and Walden ("5,130,665") disclose of the controlling an audio signal of a selected source in accordance with an established adjustable setting set by the user before sending the selected source to one or more speakers.


contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-272-2222. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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